

## Message Text

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PAGE 01 MEXICO 21398 281701Z  
ACTION SCS-06

INFO OCT-01 H-02 ISO-00 /009 W  
-----023977 282036Z /44  
R 281653Z DEC 77  
FM AMEMBASSY MEXICO  
TO SECSTATE WASHDC 7231

UNCLAS MEXICO 21398

E.O. 11652: NA  
TAGS: CPRS, (BERKE, JACOB)  
SUBJECT: ESTATE DISPUTE

H PASS: THE HONORABLE DANIEL PATRICK MOYNIHAN, UNITED STATES SENATE, WASHINGTON, D.C., FROM RICHARD S. DAWSON, ACTING CONSUL GENERAL.

THANK YOU FOR YOUR RECENT COMMUNICATION, RECEIVED ON DECEMBER 5, ON BEHALF OF DR. JACOB L. BERKE OF INDEPENDENCIA 56, DEPTO. 2, MEXICO 1, D.F.

THE EMBASSY HAS A LARGE FILE ON DR. BERKE'S CLAIM DATING BACK TO 1972. NUMEROUS CONSULAR OFFICERS OF THIS EMBASSY HAVE BEEN IN CONTACT WITH HIM BY LETTER AND IN PERSON ON MANY OCCASIONS SINCE THAT DATE. SENATOR BUCKLEY AND CONGRESSMAN BRASCO HAVE ALSO INQUIRED ON NUMEROUS OCCASIONS ON HIS BEHALF, AND WE HAVE KEPT THEM FULLY INFORMED OF SUCH ACTIONS AS THE EMBASSY HAS BEEN ABLE TO TAKE.

DR. BERKE HAS REPEATEDLY INSISTED THAT THE EMBASSY AND THE AMBASSADOR INTERVENE IN HIS CASE AS HIS LEGAL REPRESENTATIVE, DESPITE OUR EXPLANATIONS TO HIM THAT HIS ESTATE CASE IS SUBJECT SOLELY TO MEXICAN LAW AND THAT OFFICERS OF THE

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FOREIGN SERVICE ARE PROHIBITED BY REGULATIONS FROM ACTING AS LEGAL COUNSEL, AGENT, OR FIDUCIARY.

IT APPEARS THAT PART OF THE DELAY IN SETTling THIS INHERITANCE MAY BE DUE TO DR. BERKE'S APPARENT INABILITY TO COME TO TERMS WITH THE AT LEAST THREE ATTORNEYS HE HAS RETAINED.

THE LATEST OF OUR ACTIONS ON BEHALF OF DR. BERKE WAS A LETTER DATED OCTOBER 26, 1977 TO THE JUDGE PRESENTLY HAVING JURISDICTION IN THE CASE, ASKING ITS PRESENT STATUS. IN A FOLLOW-UP CALL TO THE JUDGE ON DECEMBER 7, HE INFORMED THE EMBASSY THAT HE IS STILL REVIEWING THE 2000 PAGES OF DOCUMENTS IN THE CASE AND HOPES TO BE ABLE TO ADVISE US ON ITS STATUS IN LATE DECEMBER.

THE ACTIONS THE EMBASSY CAN UNDERTAKE ON BEHALF OF DR. BERKE ARE, IN FACT, VERY LIMITED AS THIS IS STRICTLY A PRIVATE ESTATE CASE IN WHICH THERE IS NO BASIS FOR ANY CLAIM BY THE UNITED STATES GOVERNMENT. NEVERTHELESS, PLEASE BE ASSURED THAT WE HAVE TAKEN, AND WILL CONTINUE TO TAKE, ALL ACTIONS ON HIS BEHALF WHICH WE PROPERLY CAN. LUCEY

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## Message Attributes

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